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EXAMINER

PAYNE, SHARON E

ART UNIT PAPER NUMBER

2875

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/743,676

Applicant(s)

ZADRO, ZLATKO

Examiner

Sharon E. Payne

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-17 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 17 is/are allowed.
6) ☒ Claim(s) 1, 4-12 and 15 is/are rejected.
7) ☒ Claim(s) 13, 14 and 16 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. The indicated allowability of claims 3 and 5-16 are withdrawn in view of the newly discovered reference(s) to a mirror with light transmissive material around it. Rejections based on the newly cited reference(s) follow. The examiner regrets the inconvenience this action has caused.

Claim Objections

2. Claim 5 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. (Claim 5 has the same limitation as former claim 3, which was incorporated into claim 1.)

3. Claim 12 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. (Claim 5 has the same limitation as former claim 3, which was incorporated into claim 1.) (Swiveling is the same as pivoting.)

4. Claim is objected to because of the following informality: the phrase "said reflective side" should be "a reflective side" in line 4 of claim 16. Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burton (U.S. Patent 6,347,876) in view of Hoegger (U.S. Patent 1,761,393).

Regarding claim 1, a first, primary mirror (reference number 41) having a first, primary magnification factor (column 3, lines 45-50), an illumination source (reference number 64) peripherally arranged with respect to the primary mirror (Fig. 2) effective in illuminating an object field in front of a front, reflecting side of the primary mirror (Fig. 4), a second, secondary mirror (reference number 42) having a second, secondary mirror magnification factor different from the primary mirror magnification factor (column 3, lines 45-55), means for releasably securing the secondary mirror in front of the primary mirror at an adjustable position (reference number 46, Fig. 3) and light conveying means (reference number 66) enabling the illumination source to illuminate an object field in front of a front, reflecting side of the secondary mirror (Figs. 2 and 4, column 3, lines 45-50). Burton does not disclose a light transmissive region around the secondary mirror.

Hoegger discloses the light conveying means comprising a light transmissive region (reference number 28) peripherally located with respect to the secondary mirror (Fig. 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Hoegger in the apparatus of Burton to shed light on the face without hurting the eyes. See page 2, lines 10-15, of Hoegger.

7. Claims 4-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burton in view of Hoegger as applied to claim 1 and further in view of Le Baron (U.S. Patent 2,487,883).

Regarding claim 4, Burton and Hoegger do not disclose a light source that is concentric with the *primary* mirror. Le Baron discloses an illumination source that is generally concentric with and at least partially circumscribing a peripheral edge of the primary mirror (reference characters A, B and C, Fig. 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the lights of Le Baron in the apparatus of Burton to illuminate the whole mirror more brightly.

Concerning claim 5, this claim fails to narrow claim 1, and Hoegger discloses the light transmissive region described in the claim for the reasons discussed in claim 1.

Regarding claim 6, Burton, Hoegger and Le Baron do not disclose the secondary mirror having a smaller perimeter than that of the primary mirror.

Making the perimeter of the secondary mirror smaller than that of the primary mirror is considered to be an obvious variation. Since having two mirrors is well known in the art, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make one mirror smaller to make the mirror device aesthetically pleasing, because changes in size only require routine skill in the art. See M.P.E.P. 2144.04.

Concerning claim 7, Burton does not disclose the light transmissive region. Hoegger discloses the light transmissive region being further defined as being at least partially axially overlying the peripheral illumination source (Fig. 5). (The reflector is part of the illumination source.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Hoegger in the apparatus of Burton to shed light on the face without hurting the eyes. See page 2, lines 10-15, of Hoegger.

Regarding claim 8, Burton discloses the primary mirror being further defined as being mounted in a primary mirror frame (Fig. 2).

Concerning claim 9, Burton discloses the secondary mirror being further defined as being mounted in a secondary mirror frame (Fig. 2).

Regarding claim 10, Burton does not disclose a light transmissive region. Hoegger discloses the light transmissive region being further defined as comprising a light transmissive peripheral portion of the secondary mirror frame (reference number 28, Fig. 7).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Hoegger in the apparatus of Burton to shed light on the face without hurting the eyes. See page 2, lines 10-15, of Hoegger.

Concerning claim 11, Burton discloses the means for releasably securing the secondary mirror at an adjustable position in front of the primary mirror is further defined as coupling means enabling pivotable relative motion between the primary and secondary mirror frames (reference number 46).

Regarding claim 12, Burton discloses the coupling means being further defined as enabling swivelable motion between the primary and secondary mirror frames (Figs. 2 and 3). (This claim really fails to narrow claim 11.)

8. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burton in view of Hoegger and Le Baron as applied to claim 10 above, and further in view of Bisch et al. (U.S. Patent 2,515,437).

Regarding claim 15, Burton discloses the primary and the secondary mirrors for the reasons disclosed in the analysis of claim 1. Burton, Hoegger and Le Baron do not disclose the means for releasably securing the secondary mirror comprising a hinge that enables the frames to be parallel to one another. Bisch et al. discloses a hinge coupler (reference number 9) which is connected between the primary frame and the secondary mirror frame (Figs. 1 and 2), the hinge coupler having a first joint provided with a pivot axle (Figs. 1 and 2, portion by reference number 9) disposed transversely to a pivot plane (Fig. 2) in which centers of the primary frame and the secondary mirror lie (Figs. 1

and 2), whereby the secondary mirror frame is pivotable from an orientation generally parallel to the overlying primary frame (Fig. 2) to orientations generally radially outwardly from the primary frame (Fig. 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Bisch et al. with the primary and secondary mirrors opposing each other (the primary mirror in the primary frame) to enable one to close the apparatus and protect the mirrors. See Fig. 2 of Bisch et al.

Allowable Subject Matter

9. Claim 17 is allowed.

10. Claims 13, 14 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. The following is a statement of reasons for the indication of allowable subject matter. The prior art fails to disclose a mirror assembly with the following features:

1) a coupling means enabling translational relative motion between the primary and secondary mirror frames as recited in claim 13;

2) a second swivel joint having an axis which lies in the pivot plane, the swivel joint axis being disposed radially with respect to the secondary mirror frame and thereby enabling the reflective side of the secondary mirror to be directed opposite that of the primary mirror as recited in claim 16; and

2) a base, an elongated handle which has a lower end pivotably mounted to the base by a handle joint and a dual mirror assembly telescopically mounted to an upper end of the handle assembly as recited in claim 17.


Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon E. Payne whose telephone number is (571) 272-2379. The examiner can normally be reached on regular business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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